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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,237	06/19/2003	Timothy Regan	1026-090/MMM 303083.01	5539

27195 7590 03/19/2009

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EXAMINER	
BAYARD, DJENANE M	

ART UNIT	PAPER NUMBER
2441	

NOTIFICATION DATE	DELIVERY MODE
03/19/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/600,237	REGAN, TIMOTHY	
	Examiner	Art Unit	
	DJENANE M. BAYARD	2441	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 January 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to communication filed on 1/27/09 in which claims 1-20 are pending.

Specification

2. The abstract of the disclosure is objected to because the abstract should be in narrative form and generally limited to a single paragraph within the range of 50 to 150 words. The abstract should not exceed 15 lines of text. Abstracts exceeding 15 lines of text should be checked to see that it does not exceed 150 words in length since the space provided for the abstract on the computer tape by the printer is limited. Correction is required. See MPEP § 608.01(b)

Claim Objections

3. Claims 11-20 are objected to under 37 CFR 1.75(d), as being of improper for failure to provide clear support and antecedent basis in the description for the term "computer readable medium" so that the meaning of the term in the claims may be ascertainable by reference to the description. The context the medium was used in the claims would fairly suggest to one with ordinary skill *only* appropriate manufactures within the meaning of 35 USC 101 which are structurally and functionally interconnected with the computer usable instructions with enables the computer usable instructions to act as a computer component and realize its functionality.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by 2003/0125062 to Bethards et al.

a. As per claim 1, Bethards et al teaches a method for allowing instant messaging between a multi-user computer and an instant messaging device (See paragraph [0013]), comprising the steps of: receiving first login information from a first user of the multi-user computer by an instant messaging system; receiving second login information from a second user of the multi-user computer by the instant messaging system while the first user is logged in (See paragraph [0013], *Each of the plurality of logon identifiers corresponds to one of the plurality of users so that the plurality of users may access real-time communication service*); and providing an indication to the instant messaging device that the first user and the second user are logged into the instant message system together through the multi-user computer (See paragraph [0013], *the mobile station may monitor status associated with the plurality of logon identifiers to provide information indicating one of the plurality of users is "on-line" based on a registration for real-time communication service*).

b. As per claim 11, Bethards et al teaches a computer-readable medium having computer usable instructions stored thereon for execution by a processor to perform a method a for allowing instant messaging between a multi-user computer and an instant messaging device (See paragraph [0013]), comprising the steps of: receiving first login information from a first user of the multi-user computer by an instant messaging system; receiving second login information from a second user of the multi-user computer by the instant messaging system while the first user is logged in (See paragraph [0013], *Each of the plurality of logon identifiers corresponds to one of the plurality of users so that the plurality of users may access real-time communication service*); and providing an indication to the instant messaging device that the first user and the second user are logged into the instant message system together through the multi-user computer (See paragraph [0013], *the mobile station may monitor status associated with the plurality of logon identifiers to provide information indicating one of the plurality of users is "on-line" based on a registration for real-time communication service*).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0125062 to Bethards et al in view of U.S. Patent Application No. 2003/0140103 to Szeto et al.

a. As per claims 2 and 20, Bethards et al teaches the claimed invention as described above. However, Bethards et al fails to teach the second user is a guest and the second login information does not correspond to a specific instant messaging user.

Szeto et al teaches wherein the second user is a guest and the second login information does not correspond to a specific instant messaging user (See paragraph [0006 and 0008]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Szeto et al in the claimed invention of Bethards et al in order to allow a guest user to connect and communicate through use of an instant messaging connection server (See paragraph [0005]).

8. Claims 3-10 and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0125062 to Bethards et al in view of European Patent Application No. EP 1 241 890 to Thomas.

a. As per claims 3 and 12, Bethards et al teaches the claimed invention as described above. However, Bethards et al fails to teach providing a visual a user interface to users of the multi-user computer concurrently with visual content from the multi-user computer.

Thomas teaches providing a visual user interface to users of the multi-user computer concurrently with visual content from the multi-user computer (See page 23, paragraph [0160]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Thomas in the claimed invention of Bethards et al in order to allow users to simultaneously watch television and send real time communications (See paragraph [0160]).

b. As per claim 4 and 13, Bethards et al teaches the claimed invention as described above. However, Bethards et al fails to teach rendering an instant message from the multi-user computer over a portion of a video display without a visible window surrounding the instant message.

Thomas teaches rendering an instant message from the multi-user computer over a portion of a video display without a visible window surrounding the instant message (See paragraph [0156] and figure 9).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Thomas in the claimed invention of Bethards et al in order to display chat messages and television programming simultaneously (See paragraph [0156]).

c. As per claim 5 and 14, Bethards et al teaches the claimed invention as described above. However, Bethards et al fails to teach the instant message is rendered with a user-discernible fade in and a user-discernible fade out.

Thomas teaches wherein the instant message is rendered with a user-discernible fade in and a user-discernible fade out (See paragraph [0156], *opaque and translucent).*

It would have been obvious to one with ordinary skill in the art at the time of the invention to incorporate the teaching of Thomas in the claimed invention of Bethards et al in order to display chat messages and television programming simultaneously (See page 22, paragraph [0156]).

d. As per claims 6 and 15, Bethards et al teaches the claimed invention as described above. However, Bethards et al fails to teach wherein the instant message is rendered over a marginal region of the video display.

Thomas teaches wherein the instant message is rendered over a marginal region of the video display (See page 22, paragraph [0156]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to incorporate the teaching of Thomas in the claimed invention of Bethards et al in order to display chat messages and television programming simultaneously (See page 22, paragraph [0156]).

e. As per claims 7 and 16, Bethards et al teaches the claimed invention as described above. However, Bethards et al fails to teach fails to teach wherein the instant message is rendered over a user-selectable portion of the video display.

Thomas teaches wherein the instant message is rendered over a user-selectable portion of the video display (See page 22, paragraph [0156]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to incorporate the teaching of Thomas in the claimed invention Bethards et al in order to display chat messages and television programming simultaneously (See page 22, paragraph [0156]).

f. As per claims 8 and 17, Bethards et al teaches the claimed invention as described above. However, Bethards et al fails to teach providing a visual user interface to users of the multi-user computer concurrently with visual content from another source.

Thomas teaches providing a visual user interface to users of the multi-user computer concurrently with visual content from another source (See paragraph [0160]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to incorporate the teaching of Thomas in the claimed invention Bethards et al in order to allow users to simultaneously watch television and send real time communications (See paragraph [0160]).

g. As per claims 9 and 18, Bethards et al teaches the claimed invention as described above. However, Bethards et al fails to teach the step of transmitting one of plural predefined instant messages from the multi-user computer.

Thomas teaches transmitting one of plural predefined instant messages from the multi-user computer (See paragraph [0132], *the user may compose messages by selecting from a list of standard messages or words*).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Thomas in the claimed invention of Bethards et al in order to allow the users to engage in television program-related real-time chat communications while watching television, without the expense and complexity of learning to operate a personal computer and the software associated with it (See paragraph [0133]).

h. As per claim 10, Bethards et al teaches the claimed invention as described above. However, Bethards et al fails to teach receiving from a wireless remote control device a user indication of the one of plural predefined instant messages transmitted from the multi-user computer.

Thomas teaches receiving from a wireless remote control device a user indication of the one of plural predefined instant messages transmitted from the multi-user computer (See paragraph [0130-0131], *wireless keyboard*).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Thomas in the claimed invention of Bethards et al in order to allow the users to engage in television program-related real-time chat communications while watching television, without the expense and complexity of learning to operate a personal computer and the software associated with it (See paragraph [0133]).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DJENANE M. BAYARD whose telephone number is (571)272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Djenane M Bayard/
Patent Examiner, Art Unit 2441